

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

May 7, 2003

Docket No. 1998-758

Investigation Into Use of Central Office
Codes (NXXS) By New England Fiber
Communications, LLC d/b/a/ Brooks
Fiber

ORDER REQUIRING THE
NANPA TO RECLAIM NXX
CODES AND BROOKS TO
TERMINATE REMAINING RX
CUSTOMERS; ORDER
CLOSING INVESTIGATION

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

In this Order, we require the North American Numbering Plan Administrator (NANPA) to reclaim certain NXX Codes assigned to New England Fiber Communications, LLC d/b/a Brooks Fiber (Brooks). We also order Brooks to terminate any remaining RX customers for its “regional exchange” (RX) service (which utilizes the NXX codes that will be reclaimed by the NANPA).¹ Finally, we close this investigation following the actions required by Ordering Paragraphs 1-3.

II. BACKGROUND

In prior orders in this investigation, we decided that certain local office (or NXX) codes assigned to Brooks were misused by Brooks for interexchange rather than local service and that we would require the NANPA to reclaim those codes. We delayed issuing such an Order, however, because we wanted to be sure that the Hub-PRI service offered by Verizon, which was intended as an alternative to Brooks’s “Regional Exchange” (RX) service, was available statewide, including in areas served by independent telephone companies (ITCs). When we ordered Verizon to provide such a service, we intended it as a replacement for Brooks’s RX service, so that those customers (internet service providers, or ISPs) relying on the Brooks service would continue to have a low-priced, flat-rated service that would be available to internet subscribers on a toll-free basis without unnecessarily using multiple NXX codes. Hub-PRI service is now available in all areas of the State. Accordingly, we order the NANPA to reclaim the 54 NXX codes outside of Brooks’s Portland exchange; we also order Brooks to provide notice to all of its remaining RX customers that the RX service will

¹ Brooks originally offered RX service without an approved tariff (rate schedules and terms and conditions), but we eventually approved a tariff that allowed it to provide it on a grandfathered basis only to those customers subscribing at the time the tariff was approved and only until the Commission finally ordered Brooks to terminate the service.

terminate, on the date described below, in all areas of the State except for that portion of the service that uses Brooks's NXXs that are assigned to Brooks's Portland area exchange.

Accordingly, we

O R D E R

1. New England Fiber Communications, LLC d/b/a/ Brooks Fiber, on or before June 5, 2003, to provide written notice to each of its customers that subscribes to its "regional exchange" service that the service will be terminated on August 5, 2003; the notice shall state that the customers will need to make other service arrangements prior to that date. Brooks shall provide the Commission with copies of the notices it sends pursuant to this paragraph and shall report to the Commission when it has sent the required notices;

2. New England Fiber Communications, LLC d/b/a/ Brooks Fiber, on August 5, 2003, to terminate its regional exchange service²; Brooks Fiber shall report to the Commission when it has take this action;

3. The North American Numbering Plan Administrator (NANPA), on August 6, 2003, to reclaim the 54 NXX codes assigned to New England Fiber Communications, LLC d/b/a/ Brooks Fiber³ that are assigned to locations outside of Brooks Fiber's Portland area exchange (NXXs 228 and 239); the NANPA shall report to the Commission when it has take this action; and

² Although the RX service may also include the use the NXX for Brooks's Portland area exchange for customers that could call that number on a local basis, and although Brooks will retain its two Portland area codes, we nevertheless require Brooks to terminate the RX service in its entirety. ISPs that are Brooks customers may continue to provide connection to the internet using the Portland codes; the service, however, will be provided as part of Brooks's local service.

³ For the the NXX assigned to Eliot (686) the NANPA will reclaim only the 1000 numbers (Block 9) assigned to Brooks Fiber. Other blocks of 1000 numbers in the 686 code are assigned to other carriers.

4. That this investigation be closed upon completion of the actions required in Ordering paragraphs 1-3.

Dated at Augusta, Maine, this 7th day of May, 2003.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21** days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.